

**IN THE MATTER OF:**

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**EPA-5-04-34-IN**

1. Under Section 112 of the Act, the Administrator of U.S. EPA promulgated the HWC MACT at 40 C.F.R. §§ 63.1200 through 63.1211 and 63.1213.
2. The HWC MACT requires the owner or operator of a hazardous waste incinerator to comply with emission standards and requirements pertaining to operating, performance testing, monitoring, recordkeeping, and reporting.
3. Pursuant to 40 C.F.R. § 63.1201(a), an existing source is any affected source that was constructed or reconstructed on or before April 19, 1996.

4. Pursuant to 40 C.F.R. § 63.1203(a)(3), the owner or operator, of an existing source, must not discharge or cause combustion gases to be emitted into the atmosphere that contain lead and cadmium in excess of 240 µg/dscm (micrograms per dry standard cubic meter), combined emissions, corrected to 7 percent oxygen. Hereinafter, lead and cadmium are referred to collectively as semi-volatile metals.
5. Pursuant to 40 C.F.R. § 63.1206(a), an existing source must comply with the standards of Subpart EEE no later than September 30, 2003, unless the Administrator grants the Source an extension of time under § 63.6(i) or § 63.1213.
6. Pursuant to 40 C.F.R. § 63.1207(b), the owner or operator of a hazardous waste incinerator existing source must conduct comprehensive performance tests to demonstrate compliance with the emission standards in § 63.1203.
7. Pursuant to 40 C.F.R. § 63.1207(c), the owner or operator of a hazardous waste incinerator existing source must commence the initial comprehensive performance test no later than six months after the compliance date of September 30, 2003.

#### **BP's Facility**

8. BP owns and operates a petroleum refinery at 2915 Indianapolis Blvd, Whiting, Indiana. The refinery includes a fluid bed incinerator which treats the refinery waste streams. The air pollution control system for the incinerator consists of a venturi scrubber, a wet ESP, and a carbon bed adsorber. The incinerator burns hazardous wastes and thus is subject to the Hazardous Waste Combustion MACT.
9. The hazardous waste incinerator BP owns and operates has been operating since 1972. Thus, because it was constructed or reconstructed on or before April 19, 1996, pursuant to 40 C.F.R. § 63.1201(a) the BP facility is an existing source subject to the requirements of the Act, including 40 C.F.R. Part 63 Subpart EEE.
10. BP conducted its initial comprehensive performance test for all required pollutants including semi-volatile metals in March of 2004.

11. The results of the March 2004 testing show the hazardous waste incinerator is discharging 507 micrograms of lead and cadmium per dry standard cubic meter corrected to 7 percent oxygen.

**Violations**

12. BP has violated 40 C.F.R. § 63.1203(a)(3) by discharging from its hazardous waste incinerator lead and cadmium emissions in excess of 240  $\mu\text{g}/\text{dscm}$  corrected to 7 percent oxygen.

9/23/04  
Date

for Mary P. Tyson  
Stephen Rothblatt, Director  
Air and Radiation Division

**CERTIFICATE OF MAILING**


I, Betty Williams, certify that I sent a Finding of Violation, No. EPA-5-03-34-IN, by Certified Mail, Return Receipt Requested, to:

Linda J. Wilson  
Environmental Superintendent  
BP Products North America Inc.  
BP Whiting Refinery  
2815 Indianapolis Blvd.  
P.O. Box 710  
Whiting, Indiana 46394-0710

I also certify that I sent copies of the Finding of Violation by first class mail to:

David McIver, Chief  
Office of Enforcement Air Section  
Indiana Department of Environmental Management  
100 North Senate Avenue, Room 1001  
Indianapolis, Indiana 46206-6015

on the 24th day of September, 2004.

  
Betty Williams, Secretary  
AECAS, (IL/IN)

CERTIFIED MAIL RECEIPT NUMBER: 70010320000602953239